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HOUSE BILL 203

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Jose A. Campos

AN ACT

RELATING TO ELECTIONS; PROVIDING THAT CANDIDATES WHO FAIL TO
RECEIVE PREPRIMARY CONVENTION DESIGNATION MAY COLLECT
ADDITIONAL SIGNATURES FROM EACH COUNTY IN THE STATE OR
CONGRESSIONAL DISTRICT AS AN ALTERNATIVE METHOD OF GAINING
PRIMARY BALLOT ACCESS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-8-33 NMSA 1978 (being Laws 1973,
Chapter 228, Section 7, as amended) is amended to read:

"1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--
NUMBER OF SIGNATURES REQUIRED.--

A. As used in this section, "total vote" means the
sum of all votes cast for all of the party's candidates for
governor at the last preceding primary election at which the
party's candidate for governor was nominated.

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1 B. Candidates who seek preprimary convention
2 designation shall file nominating petitions at the time of
3 filing declarations of candidacy. Nominating petitions for
4 those candidates shall be signed by a number of voters equal to
5 at least two percent of the total vote of the candidate's party
6 in the state or congressional district, or the following number
7 of voters, whichever is greater: for statewide offices, two
8 hundred thirty voters; and for congressional candidates,
9 seventy-seven voters.

10 C. Nominating petitions for candidates for any
11 other office to be voted on at the primary election for which
12 nominating petitions are required shall be signed by a number
13 of voters equal to at least three percent of the total vote of
14 the candidate's party in the district or division, or the
15 following number of voters, whichever is greater: for
16 metropolitan court and magistrate courts, ten voters; for the
17 public regulation commission, fifty voters; for the public
18 education commission, twenty-five voters; for state
19 representative, ten voters; for state senator, seventeen
20 voters; and for district attorney and district judge, fifteen
21 voters.

22 D. A candidate who fails to receive the preprimary
23 convention designation that the candidate sought may collect
24 additional signatures from each county in the state or from
25 each county in the congressional district, whichever applies to

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1 the office the candidate seeks, and file a new declaration of
2 candidacy and nominating petitions for the office for which the
3 candidate failed to receive a preprimary designation. The
4 additional signatures from each county shall total at least two
5 percent of the total vote received in that county; except for
6 those counties only partially contained within a congressional
7 district, for which the additional signatures shall total at
8 least two percent of the total vote received in those precincts
9 within that portion of the county that is located in the
10 congressional district.

11 E. Additional signatures collected pursuant to
12 Subsection D of this section shall be obtained after the
13 conclusion of the preprimary convention on a nominating
14 petition prescribed by the secretary of state in accordance
15 with the form pursuant to Section 1-8-30 NMSA 1978; except that
16 the form shall conspicuously display in plain and legible
17 letters the words "Nominating Petition For A Candidate Who Did
18 Not Receive A Preprimary Convention Designation". The
19 candidate shall also subscribe to a statement on the new
20 declaration of candidacy that the additional signatures were
21 collected after the conclusion of the preprimary convention.
22 The declaration of candidacy and nominating petitions shall be
23 filed with the secretary of state either twenty days following
24 the date of the preprimary convention at which the candidate
25 failed to receive the designation or on the date all

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1 declarations of candidacy and nominating petitions are due
2 pursuant to the provisions of the Primary Election Law,
3 whichever is later."

4 Section 2. EMERGENCY.--It is necessary for the public
5 peace, health and safety that this act take effect immediately.

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